

When Your Telephone Service Is Switched Without Your Permission - "Slamming"

FCC Consumer Facts

Background

"Slamming" is the illegal practice of changing a consumer's telephone service without permission. Consumer protection rules created by the Federal Communications Commission (FCC) provide a remedy if you've been slammed.

Your Rights if You Have Been Slammed

If you have been slammed and HAVE NOT paid the bill of the carrier who slammed you:

You DO NOT have to pay anyone for service for up to 30 days after being slammed. This means you do not have to pay either your authorized telephone company (the company you actually chose to provide service) or the slamming company. You must pay any charges for service beyond 30 days to your authorized company, but at that company's rates, not the slammer's rates.

If you HAVE paid your phone bill and discover that you have been slammed:

The slamming company must pay your authorized company 150% of the charges it received from you. Out of this amount, your authorized company will then reimburse you 50% of the charges you paid to the slammer. For example, if you were charged \$100 by the slamming company, that company will have to give your authorized company \$150, and you will receive \$50 as a reimbursement.

With these rules, the FCC has taken the profit out of slamming and protected consumers from illegal charges.

New Guidelines for Telemarketing Switches

Before a telephone company can place an order to switch a customer who agreed to sign up during a telemarketing call, the company must use at least one of the following methods to verify that the customer authorized the switch:

- Obtain a written or electronic Letter of Agency (LOA) from the customer. Any written or electronic LOA used to confirm a telemarketing order must include: (1) the subscriber's billing name and address, (2) each telephone number to be covered by the order to change the subscriber's telephone company, (3) a statement that the subscriber intends to change from his or her current telephone company to this new company, (4) a statement that the subscriber designates this new carrier to act as the agent for this change, and (5) a statement that the subscriber understands that there may be a charge for this change. It must also be separate from any promotional material - like prizes, contests, and forms - that come with it.
- The LOA provided by the carrier must be limited strictly to authorizing a change in telephone carrier and it must be clearly identified as an LOA authorizing the change. The LOA must be written in clear language and the print must be of sufficient size and readable style, generally comparable in type, style, and size to any promotional materials, and must make clear to the consumer that the document, when signed, would change his or her telephone carrier.

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Only the name of the telephone carrier that will set your rates can appear on the letter of authorization. The LOA must also contain full translations if it uses more than one language.

NOTE: Advertising promotions that use checks can incorporate an LOA but must meet specific guidelines. A check must contain the necessary information to make it a negotiable instrument and shall not contain any other promotional language or material. The carrier must place the required LOA language near the signature line on the back of the check. In addition, the carrier must print on the front of the check, in easily readable, bold-faced type, a notice that your signature will authorize a change in your telephone carrier.

Authorized Switching Methods

Be aware that your telephone service cannot be **legally** switched from one company to another unless one of the following methods is used to initiate and verify the switch:

- Your authorization is obtained by a **signed letter** provided by the new company, which indicates, in writing, that you want to switch telephone companies.
- The company must provide a toll-free number that you can call to confirm the order to switch telephone companies.
- The company must have an independent third party verify your oral authorization to switch.

NOTE: The Communications Act makes telephone companies responsible for the acts of their agents, including their telemarketers.

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How to Protect Yourself Against Slamming

Be a smart consumer:

- Always examine your phone bill immediately and thoroughly. If you see a new company name on your phone bill, call the number that's shown on that portion of the bill and ask for an explanation.
- Be aware of the ways in which companies are legally permitted to change your telephone service. The FCC's rules require companies to obtain your clear permission before such a change. For example, a company may send you an LOA to verify that you want to switch your service to a new company. The LOA is only valid if you sign and date it. It must be used solely to authorize a change in company, and it must be clearly identified as an LOA authorizing the change. Only sign it when you are sure you want to change companies.

Be firm with telemarketers:

- If you receive a call from a telemarketer about switching your telephone service and you're not interested in changing your service, tell the caller that you're not interested in receiving the services of the company that the telemarketer represents. You can also ask the caller to remove your telephone number from its solicitation lists.

Carefully read all materials you receive in the mail:

- If you receive a letter in the mail from a company asking you to "verify" that you switched telephone services, and neither you nor anyone in your household authorized the change, *immediately* notify that company that you did not authorize the switch. Then, immediately call your local telephone company to confirm that you are still with your preferred local, local toll, and long distance company(ies).

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Read the fine print in any sweepstakes or drawing entry form before filling it out.

- The form may indicate that by signing it, you've given authorization to switch long-distance companies. In some states, this is illegal and should be reported to that state's Attorney General's Office.

Be careful when answering telephone surveys.

- Be careful of companies conducting surveys. If whoever answers the telephone says "yes" to any of the surveyor's questions, their answers may be taped and used later as verification of authorization to switch long distance companies.

"Freeze" your existing carrier.

- A freeze lets your local phone company know that you do not want to switch providers unless they receive **written** or **verbal** authorization from you.

What to Do if You've Been Slammed

If your telephone company has been changed without your permission:

- Call the slamming company and tell them that you want the problem fixed. If you have not paid, tell them that you will not pay for the first 30 days of service. Call your authorized phone company (local or long distance) to inform them of the slam. Tell them that you want to be reinstated to the same calling plan you had before the slam. Tell them that you want all "change of carrier charges" (charges for switching companies) removed from your bill.

Be sure to make a note of the names of the employees at each company you spoke with in an effort to resolve your complaint and the dates you spoke with them.

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- You can also file a complaint. Depending on where you live, you will either file with your state or with the FCC. There is a list of which states accept complaints at www.fcc.gov/slamming. You can also check with your state's regulatory commission or Attorney General. The number for your state's regulatory commission, Attorney General, or Consumer Affairs Office is in the blue pages (the "State Government" section) of your phone book.
- You can call the following **toll-free** numbers to verify your phone provider:
 - **1-700-555-4141** for long distance services and
 - **1+your area code+700-4141** for local toll services.

Your state's regulatory commission or Attorney General's Office can advise you on the appropriate procedures for filing complaints with local authorities. In addition, the FCC's Consumer Center at 1-888-CALL-FCC (1-888-225-5322) voice, or 1-888-TELL-FCC (1-888-835-5322) TTY, provides information on slamming and slamming complaints. If your state does not handle slamming complaints, contact the FCC at these numbers for instructions on how to file a complaint with the FCC.

- You may file a complaint with the FCC by e-mail (fccinfo@fcc.gov); the Internet (www.fcc.gov/cgb/complaints.html); telephone 1-888-CALL-FCC (1-888-225-5322) voice; or 1-888-TELL-FCC (1-888-835-5322) TTY; or mail:
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.

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Be sure to include the following information in your complaint:

- your name, address, and phone number;
- the phone number that was slammed;
- your e-mail address;
- name of the phone company that slammed you;
- the name of your authorized local phone company;
- the name of your authorized long distance company;
- a complete statement of facts;
- **COPIES** of your phone bill showing the charges that you are disputing;
(IMPORTANT: If you file using e-mail, your bill must be attached, electronically to your e-mail. Otherwise, you must file by letter and attach paper copies of your bill.)
- whether or not you have paid any of the disputed charges; and
- the specific relief that you want.

For More Information

For further information about slamming, visit the FCC's slamming Web site at www.fcc.gov/slamming. For more information about other telecommunications-related subjects, please visit the FCC's Web site at www.fcc.gov/cgb.

In addition, you can contact the FCC's Consumer & Governmental Affairs Bureau at
1-888-CALL-FCC
(1-888-225-5322) voice
or
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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on <http://www.fcc.gov/cgb/contacts/>.

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10/27/05*-cpb

